**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE P.R.RAMAN**
**&**
**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929**

**RCRev..No. 133 of 2007()**
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**(RCA NO.36/2005 OF II ADDL.DISTRICT JUDGE,(IIND ADDITIONAL RENT CONTROL APPELLATE AUTHORITY), THIRUVANANTHAPURAM**
**(RCP NO.10/2003 OF RENT CONTROL COURT, THIRUVANANTHAPURAM**

**PETITIONER/APPELLANT/COUNTER PETITIONER**
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**1. MARGARET FRANCIS, W/O.ROLAND FRANCIS, ROMA ENTERPRISES, THAKARAPARAMBU, THIRUVANANTHAPURAM AND RESIDING AT TC.16/1843, NO.301, AISWARAYA APARTMENTS, JAGATHY, THIRUVANANTHAPURAM.**

**2. SHANE FARNCIS, S/O.ROLAND FRANCIS, TC.16/1843,NO.301,AISWARAYA APARTMENTS, JAGATHY, THIRUVANANTHAPURAM.**

**3. THOMPSON FRANCIS, S/O.LATE ROLAND FRANCIS,TC.16/1843,NO.301, AISWARAYA APARTMENTS, JAGATHY, THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.KESAVAN NAIR**
**SRI.K.G.CLEETUS**

**RESPONDENTS:**
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**M.VEENA KANNAN , 23 A OLD STATE BANK COLONY,RAMAVARMAPURAM, NAGERCOIL, KANYAKUMARI DISTRICT.**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 11/04/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**P.R.RAMAN & ANTONY DOMINIC, JJ.**
**==========**
**R.C.R.NO.133 OF 2007**
**==========**
**Dated this the 11th day of April, 2007**

**O R D E R**

**Raman, J.**

The revision petitioners are the legal representatives of the original tenant, who are also deemed tenants under the Kerala Buildings (Lease and Rent Control) Act. They are faced with an order of eviction passed under Section 11(3) and there is a concurrent finding. Faced with such a situation, the learned counsel after arguing for sometime, sought to withdraw the contention raised in this revision. He contends that he is a dealer in industrial goods and in order to dispose of the stock items, unless time is granted, it will adversely affect him and pleads for a reasonable time to give vacant possession of the premises.

2. Having heard the learned counsel, we are satisfied that reasonable time can be granted to the petitioners for surrendering vacant possession of the premises especially since they have already withdrawn the contentions raised in this revision. In the circumstances, the revision petition will stand

dismissed. However, we grant six months time for surrendering vacant possession of the premises on the following conditions.

1) That the first petitioner shall file an affidavit for himself and on behalf of others agreeing to give the possession of the premises on or before 11/10/2007 and the undertaking shall be given on or before 30/5/2007 before the Execution Court.

2) They shall deposit arrears of rent, if any on or before the said date and they shall continue to pay the amount equivalent to the monthly rent for use and occupation until vacant possession is given.

3) They shall not induct third parties into the premises.

The execution of the order of eviction passed by the court below will stand deferred till 11/10/2007. However, in case the petitioners commits default of any of the conditions as aforesaid, it will be open to the landlord to seek eviction forthwith.

**P.R.RAMAN, JUDGE.**

**ANTONY DOMINIC, JUDGE.**

Rp